

**Washington County Land Use Authority Meeting
May 14, 2013**

The Washington County Land Use Authority Meeting was held Tuesday, May 14, 2013 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened by Vice Chairman Kim Ford at 1:30 p.m.

Commissioners present: Dave Everett, Kim Ford, Julie Cropper, Deborah Christopher, Mike Stucki, and Rick Jones.

Excused: Doug Wilson and JoAnn Balen.

Staff present: Scott Messel, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Eric Clark, Deputy Attorney; and Doreen Bowers-Irons, Planning Secretary.

Vice Chairman Ford excused Chairman Doug Wilson and Commissioner Balen. He welcomed and thanked everyone for attending. He led the Pledge of Allegiance, after which, he explained meeting protocol.

I. CONDITIONAL USE PERMIT. Approve a Conditional Use Permit request for a Special Event. The Rockwell Relay Race. A bike race that will start in Moab and end in St. George utilizing Highway 18, Saturday, June 8, 2013. Rockwell Relay Inc, applicant/Anita Stewart, agent.

Mr. Messel showed the route the race will take and reported the Rockwell Relay event will be held on June 7 & 8, 2013. The race begins in Moab and ends in St. George. The event will only be in Washington County on Saturday, June 8, 2013. The cyclists will be entering Washington County from Cedar City traveling southwest on Highway 18. There will be an exchange in Enterprise at the Cottonwood Inn Store. The cyclists will continue on Highway 18 into St. George. There are expected to be about 350 participants. Because the race is a relay, there will only be 80-90 cyclists on the road at a time. The cyclists will be highly dispersed during the last portion of the race. Each relay team has a support vehicle. Garbage cans will be provided at exchange locations; as well as the starting and finish lines. A clean-up vehicle will follow at the end of the race. The applicant has been working with each of the local municipalities to conform to their event guidelines. The applicant has also contracted UDOT and the Washington County Sheriff's office.

RECOMMENDATION:

The event meets all the applicable requirements of the Special Events Checklist and Staff recommends the Planning Commission approve the Conditional Use Permit for the 2013 Rockwell Relay Race.

Anita Stewart addressed the commission informing them of the race and the way the event will be handled. The hope is to make this an annual event on the second Saturday of June. The finish line is at Vernon Worthen Park and will close at 9:00 p.m. No roads will be closed for the event. The cyclists must obey the rules of the road.

Mr. Messel stated the applicants met with the sheriff's office and Jake Adams, representing the sheriff's office, is in attendance if the commission had any questions for him. Mr. Adams will also attend future meetings as his time will allow.

Commissioner Stucki asked about the construction on Highway 18 and how that would affect the race.

Ms. Stewart replied she did not know there was construction there. She has a permit from U.D.O.T. for the race. If the construction is in progress during the event, the cyclists will need to obey the rules of the road and if they are stopped by flaggers they will need to stop and wait until they are allowed to pass.

A short discussion took place regarding the construction and the cyclists and their support vehicle obeying the rules of the road.

Todd Edwards reported the construction is almost completed and expects the work will be completed before the race takes place. They are installing bike lanes along the roadway. If the road is not completed there should not be a major impact to traffic.

Motion: Commissioner Stucki MOVED to approve the conditional use permit request for the special event Rockwell Relay Bike Race through Washington County for one year; Rockwell Relay Inc., applicant/Anita Stewart agent. Commissioner Christopher SECONDED. The motion carried with all five (5) Commissioners voting in favor.

II. CONDITIONAL USE PERMIT EXTENSION. Review the Conditional Use Permit extension for a gravel crushing operation located in the old cinder pit east of Veyo. The applicant is Sunroc Corporation.

Mr. Messel reported this is the annual review of the conditional use permit for the gravel crushing operation on the site of the old cinder pit east of Veyo, on the north side of Chad Ranch Road. The cinder pit was a grandfathered use. The site is approximately 22.39 acres. Sunroc purchased the pit from Feller Stone a few years ago. The site does not get much use but Sunroc would like to continue the conditional use. He provided site and area maps for the commission to review.

RECOMMENDATION:

Staff has reviewed and recommends the Planning Commission approve the conditional use extension for the gravel crushing operation in Veyo.

Gene Beck representing Sunroc reported they want to keep the permit in place. They have not utilized the pit for the last year nor will they use it this year but at some point in the future they will use it again. Therefore, they want to keep the conditional use permit in place. They have not had any problems reported to them.

Commissioner Stucki asked about the height of the wall on the northeast side. He also wanted to know about fencing around the property.

Mr. Beck answered the wall is pretty steep. MSHA has been out and looked at it. The area most likely was not mined properly. He explained future plans to push dirt into the wall to make it less hazardous. He stated the property is fenced along Chad Road but does not believe there is a fence on the north side. The east and west sides are fenced.

Motion: Commissioner Everett MOVED to approve the conditional use permit extension for one year for the gravel crushing operation on the site of the old cinder pit east of Veyo on the north side of Chad Ranch Road; Sunroc Corporation, applicant. Commissioner Christopher SECONDED. The motion carried with all five (5) Commissioners voting in favor.

III. ZONE CHANGE. Review a request to change a recently de-annexed parcel from Hurricane City into Washington County. The proposed zone is RA-1 (Residential Agricultural) zone; as per the zone

change provision of the Washington County Zoning Ordinance. Fernwood LLC, Sky Ranch Phase 6, LLC, applicant.

Mr. Messel reminded the commission that this item was discussed at the last meeting. Because the items are related the two items combined for discussion but two different motions will be required. He stated staff and the applicants went back and discussed what zone would be most appropriate. The Sky Ranch Subdivision which, this property is contiguous to is zoned RA-1. The applicant's propose the RA-1 zone for this property. The RA-1 is appropriate for the area and the parcel.

ZONE CHANGE RECOMMENDATION:

Staff has reviewed and recommends that the Planning Commission approve the RA-1 (Residential Agricultural) zoning designation for the above mentioned property containing approximately 17.06 acres.

The commission and staff discussed the proposed zone change.

Motion: Commissioner Stucki MOVED to approve the requested zone change of a recently de-annexed parcel from Hurricane City into Washington County to an RA-1 Zone as per the zone change provision of the Washington County Zoning Ordinance; Fernwood LLC., Sky Ranch Phase 6 LLC., applicant. Commissioner Everett SECONDED. The Motion carried with all five (5) commissioners voting in favor.

IV. PRELIMINARY PLAT APPROVAL. Review request for preliminary plat approval for Grassy Meadows Sky Ranch Phase 6, an 8 lot subdivision containing 17.06 acres. The applicant is Fernwood LLC, Sky Ranch Phase 6, LLC.

Mr. Messel stated the preliminary plat has been resubmitted with the changes requested from the last meeting. He showed the location and proposed subdivision. The proposed subdivision meets all the requirements of the RA-1 zone.

PRELIMINARY PLAT DESCRIPTION:

The applicant has submitted a preliminary plat application for an 8-lot subdivision on the approximately 17.06 acres. The proposed 8 lots range in size from 45,234 to 114,717 square feet. The lots have access to the aircraft runways and taxiways in the existing Sky Ranch Subdivision. The plat has been modified since the last meeting to include a taxiway for Lot 6, Lot 7, and Lot 8. The applicant has submitted a letter from Hurricane City requesting that the road be constructed to their Rural Roadway Street Standard, which does not include curb, gutter and sidewalk. Hurricane City's street standards are lesser than the county requirements and Hurricane wants to keep their street in its current condition.

PRELIMINARY PLAT RECOMMENDATION:

Staff has reviewed and recommends that the Planning Commission approve the preliminary plat.

The question was raised regarding the buffer zone for the runway, which was answered. There is a buffer zone shown on the plat. There was some discussion on FAA rules.

Commissioner Everett asked about the concern with the curb, gutter, and sidewalk requirements.

The road issue was discussed at length. Mr. Messel reported he had discussed the improvements with Public Works and the applicant. The improvement issue will need to be worked out before final plat approval. It was concluded that the streets are Hurricane City's and they are asking that the Hurricane Street standard which is less than the County requirement.

Todd Edwards, County Engineer stated the justification that would be used is that these are not County Roads. They are Hurricane's Streets. Hurricane wants the street left the same as Hurricane's standards. He stated Public Works does not care as they will not be maintaining the streets.

The commission had concerns of future lots being subdivided illegally. It was suggested to zone some of the larger lots at a higher density zone designation.

Reed Pope, Engineer and representative of the applicants stated the Southwest Public Health has limited the septic permits to eight. There are only eight (8) lots which meets the maximum requirement. He stated they will also be installing a dry sewer in the event the sewer system is improved to the subdivision then they could just tie in.

Mr. Stucki commented this could be Brookside all over again. He had concerns with what happened there happening here.

Mr. Clark stated there is no legal justification for the concerns that have been raised. His concern is avoiding a lawsuit. They would need to have something on record to show why this project could not be approved for this proposed zone.

The commission, staff, and Mr. Pope discussed the project at great length addressing lot sizes, the prospect of splitting the lots in the future, and various other issues after which, Vice Chairman Ford called for a motion.

Mr. Messel stated the findings for the Preliminary Subdivision Plat should say:

Findings of Facts:

- The preliminary plat meets the requirements of the approved zone.
- The preliminary plat complies with the county standards and ordinances.

Chairman Ford called for a vote on the findings. There was a nay for the findings. Commissioner Stucki stated he did not think a full quorum voted on the findings.

Mr. Clarke stated he had serious concerns not approving the preliminary plat based on the discussion and the fact that the preliminary plat meets all the requirements.

Chairman Ford called for a roll call vote as follows:

Commissioner Stucki	Nay
Commissioner Everett	Aye
Commissioner Jones	Nay
Commissioner Cropper	Aye
Commissioner Christopher	Aye

The findings were approved 3 to 2.

Motion: Commissioner Stucki MOVED to approve the Preliminary Subdivision plat for Grassy Meadows Sky Ranch Phase 6 LLC. an eight (8) lot subdivision on 17.06 acres; applicant Fernwood LLC, Sky Ranch Phase 6, LLC., based on the following findings:

- The preliminary plat complies with the county standards and ordinances.
- The preliminary plat meets the requirements of the approved zone.

Commissioner Everett SECONDED. The motion carried with four (4) of the members voting in favor and one (1) nay vote from Commissioner Stucki.

V. PRELIMINARY PLAT APPROVAL. Review request for preliminary plat approval for Browse Minor Subdivision, a 1-lot subdivision on approximately 23.9 acres. The applicant is William and Nora Davies Trustee.

Mr. Messel stated the applicant has submitted an application for a one (1) lot subdivision on approximately 23.9 acres. The property is located east of Exit 30 along I-15. The parcel is in the A-20 (Agricultural) zone which has a minimum lot size of 20 acres. The 23.9 acres was illegally subdivided form a larger parcel and the current owners wish to bring the parcel into compliance by creating a 1 lot subdivision. The current owner does not wish to develop the site. Any County required improvements will be required when the site is developed.

RECOMMENDATION:

Staff has reviewed and recommends approval of the proposed preliminary plat.

Barry Clarkson, attorney representing the Davis's explained how the problem occurred. The 23.9 acres was illegally subdivided from a larger parcel and obtained by the current owners through a foreclosure. Now they would like to bring the property into compliance. There is no plan to develop the property they just want to make the parcel comply with the zone.

Commissioner Everett asked if the Davis's had clear title to the property. Mr. Clarkson confirmed they did have a clear title.

Commissioner Stucki asked where the closest access to the property was located. It was pointed out the access is on Old Highway 91.

Mr. Messel stated the property meets the zoning requirements and the preliminary plat meets the requirements of the County Code.

The commission voted to approve the findings of facts:

- The preliminary plat meets the requirements of the approved zone.
- The preliminary plat complies with the county standards and ordinances.

Motion: Commissioner Stucki **MOVED** to approve the Preliminary Subdivision plat for the Browse Minor Subdivision a one (1) lot subdivision located east of Exit 30 along I-15 in the A-20 (Agricultural) zone; applicant William and Nora Davis Trustee based on the following findings:

- The preliminary plat complies with the county standards and ordinances.
- The preliminary plat meets the requirements of the approved zone.

Commissioner Cropper SECONDED. The motion carried with all five (5) Commissioners voting in favor.

IV. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on May 07, 2013; County initiated.

Mr. Messel reported on the items discussed at Staff Meeting held on May 07, 2013. He stated no action was taken on any of the items which included the following:

1. Palace Pass concept plan for Verna Conde.
2. Campgrounds on Gooseberry Mesa
3. The Conditional Use Permit Extension for Sunroc.

The following items were approved:

1. A lot line adjustment in Veyo for Emmett.

2. A second dwelling in the A-20 zone in New Harmony.
3. Modifying a utility easement for Pine Valley Meadow View Subdivision.

V. **MINUTES.** Consider approval of the minutes of the regular planning commission meetings held on April 09, 2013.

The commission discussed the April 09, 2013 minutes and determined they would need to be tabled as there was no quorum present who had attended the meeting.

Motion: Commissioner Christopher MOVED to table the Minutes of April 09, 2013 until the next meeting when a quorum of the attendees could be present. Commissioner Stucki SECONDED. The motion carried with all five (5) Commissioners voting in favor.

VI. **COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on planning items; County initiated.

There were no planning items on the Commission agenda.

VII. **COMMISSION & STAFF REPORTS.** General reporting on various topics; County initiated.

There were no items.

Commissioner Stucki moved to adjourn the meeting at 2:37 p.m.

Doreen Bowers-Irons, Planning Secretary

Approved: 11 June 2013